

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To: _____ Agency(ies) Charge No(s): _____	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 532-2019-00140	
_____ and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mr. Christopher Capron on behalf of myself and all others similarly situated		Home Phone (incl. Area Code) (216) 671-3442	Date of Birth 10/12/1966
Street Address 16005 Alden Ave.		City, State and ZIP Code Cleveland Ohio, Ohio 44111	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name City of Cleveland (Division of Fire)		No. Employees, Members 100+	Phone No. (include Area Code)
Street Address 601 Lakeside Ave.		City, State and ZIP Code Cleveland, OH 44114	
Name		No. Employees, Members	Phone No. (include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest Latest Feb. 2, 2018 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I am a Caucasian male, and have been employed by Respondent's Division of Fire since 1995. Currently I hold the rank of Fire Lieutenant. In 2017, Respondent administered, and I sat for, a promotional examination for the rank of Captain in the Fire Department. On February 2, 2018, Respondent released a ranked list of all 52 candidates who had passed the Captain's exam. Respondent will utilize this list to make promotions to the Captain rank for a 2-year period (until February 2, 2020). The list evidences that the promotional exam resulted in a discriminatory disparate impact against Caucasian individuals, including myself, who seek promotion.</p>			
CONTINUED ON NEXT PAGE <div style="float: right; border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED OCT 17 2018 EEOC-CLFO </div>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
10-18-18 _____ Date Charging Party Signature			

EXHIBIT**15**

36

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

532-2019-00140

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s)):

CONTINUED FROM PREVIOUS PAGE (PAGE 2 OF 2)

73 individuals took all parts of the Captain's exam. The following table shows how many individuals, by race, took the entire exam, passed the exam, and how the passage rates for Caucasians violated the four-fifths rule:

RACE	TOOK ENTIRE EXAM	%	PASSED EXAM	%	PASS RATE	FOUR-FIFTHS RULE TEST (Pass rate of Caucasians compared to African-Americans)
Caucasian	53	72.60%	36	49.32%	67.92%	73.15% (FAIL)
African-American	14	19.18%	13	17.81%	92.86%	
Hispanic	6	8.22%	3	4.11%	50.00%	
TOTAL	73		52			

Because Caucasians passed the exam at a rate of less than 80% when compared to the pass rate of African-Americans, the Captain's exam had a disparate impact on me and other Caucasians based on our race.

Two rounds of promotions have occurred off of the list to date. Respondent promoted six (6) individuals to Captain on or about May 4, 2018, and then promoted another eight (8) individuals on or about July 28, 2018. The selections to date also demonstrate an adverse impact against Caucasians:

RACE	PROMOTIONS	SELECTION RATE	FOUR-FIFTHS RULE TEST
Caucasian	8	15.09%	35.22% (FAIL)
African-American	6	42.86%	
Hispanic	0	0.00%	
TOTAL	14		

RECEIVED

OCT 17 2018

EEOC-CLFO

Respondent has expressed a desire to increase minority representation in the officer rankings within the Division of Fire. I believe that Respondent unlawfully administered the promotional examination in a manner that would achieve its desired result of having a list of disproportionately high-ranked African-American candidates to select for promotion over the two-year duration that the promotional list will be viable.

I believe that I, along with others who are similarly situated, have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended. This discrimination is a result of disparate impact and/or intentional discrimination in the administration of the Captain's promotional exam.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

10-17-18

Date



Charging Party Signature

EEOC FORM 131 (11/09)

U.S. Equal Employment Opportunity Commission

Mr. William Mezalora
Chief of Public Safety
CITY OF CLEVELAND (DIVISION OF FIRE)
601 Lakeside Ave
Cleveland, OH 44114

PERSON FILING CHARGE

Christopher Capron

THIS PERSON (check one or both)

☒ Claims To Be Aggrieved☐ Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

532-2019-00140

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

☒ Title VII of the Civil Rights Act (Title VII)☐ The Equal Pay Act (EPA)☐ The Americans with Disabilities Act (ADA)☐ The Age Discrimination in Employment Act (ADEA)☐ The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

1. ☒ No action is required by you at this time.2. ☐ Please call the EEOC Representative listed below concerning the further handling of this charge.3. ☐ Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.4. ☐ Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.5. ☐ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by toIf you **DO NOT** wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Leona J. Smith,
Intake Supervisor

EEOC Representative

Telephone (216) 522-2002

Cleveland Field Office
EEOC, AJC Fed Bldg
1240 E 9th St, Ste 3001
Cleveland, OH 44199
Fax: (216) 522-7395

Enclosure(s): ☐ Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

☒ Race ☐ Color ☐ Sex ☐ Religion ☐ National Origin ☐ Age ☐ Disability ☐ Retaliation ☐ Genetic Information ☐ Other

ISSUES: Promotion

DATE(S) (on or about): EARLIEST: 02-02-2018 LATEST: 07-28-2018 And Continuing

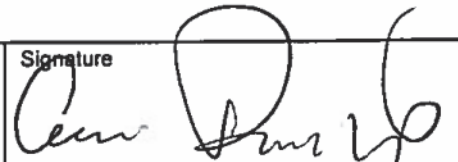
Date

October 18, 2018

Name / Title of Authorized Official

Connie Davis,
Enforcement Supervisor

Signature



42

CAPRON_000042

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 532-2019-00137	
and EEOC			
<small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mr. John J. Donohoe on behalf of myself and all others similarly situated		Home Phone (incl. Area Code) (216) 630-9142	Date of Birth 5/29/1966
Street Address 874 Beechers Brook Rd.		City, State and ZIP Code Mayfield Village, Ohio 44143	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name City of Cleveland (Division of Fire)		No. Employees, Members 100+	Phone No. (Include Area Code)
Street Address 601 Lakeside Ave.		City, State and ZIP Code Cleveland, OH 44114	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest Feb. 2, 2018 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a Caucasian male, and have been employed by Respondent's Division of Fire since 1994. Currently I hold the rank of Fire Lieutenant. In 2017, Respondent administered, and I sat for, a promotional examination for the rank of Captain in the Fire Department. On February 2, 2018, Respondent released a ranked list of all 52 candidates who had passed the Captain's exam. Respondent will utilize this list to make promotions to the Captain rank for a 2-year period (until February 2, 2020). The list evidences that the promotional exam resulted in a discriminatory disparate impact against Caucasian individuals, including myself, who seek promotion.</p>			
CONTINUED ON NEXT PAGE		<div style="border: 2px solid black; padding: 5px; width: fit-content; margin: auto;"> RECEIVED OCT 17 2018 EEOC-CLFO </div>	
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
<div style="display: flex; align-items: center;"> <div style="text-align: center; margin-right: 20px;"> 10-16-18 <small>Date</small> </div> <div style="text-align: center;">  <small>Charging Party Signature</small> </div> </div>		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	

EEOC Form 5 (11/09)

037

DONOHOE_000001

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):



FEPA



EEOC

532-2019-00137

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

CONTINUED FROM PREVIOUS PAGE (PAGE 2 OF 2)

73 individuals took all parts of the Captain's exam. The following table shows how many individuals, by race, took the entire exam, passed the exam, and how the passage rates for Caucasians violated the four-fifths rule:

RACE	TOOK ENTIRE EXAM	%	PASSED EXAM	%	PASS RATE	FOUR-FIFTHS RULE TEST (Pass rate of Caucasians compared to African-Americans)
Caucasian	53	72.60%	36	49.32%	67.92%	73.15% (FAIL)
African-American	14	19.18%	13	17.81%	92.86%	
Hispanic	6	8.22%	3	4.11%	50.00%	
TOTAL	73		52			

Because Caucasians passed the exam at a rate of less than 80% when compared to the pass rate of African-Americans, the Captain's exam had a disparate impact on me and other Caucasians based on our race.

Two rounds of promotions have occurred off of the list to date. Respondent promoted six (6) individuals to Captain on or about May 4, 2018, and then promoted another eight (8) individuals on or about July 28, 2018. The selections to date also demonstrate an adverse impact against Caucasians:

RACE	PROMOTIONS	SELECTION RATE	FOUR-FIFTHS RULE TEST
Caucasian	8	15.09%	35.22% (FAIL)
African-American	6	42.86%	
Hispanic	0	0.00%	
TOTAL	14		

RECEIVED

OCT 17 2018

EEOC-CLFO

Respondent has expressed a desire to increase minority representation in the officer rankings within the Division of Fire. I believe that Respondent unlawfully administered the promotional examination in a manner that would achieve its desired result of having a list of disproportionately high-ranked African-American candidates to select for promotion over the two-year duration that the promotional list will be viable.

I believe that I, along with others who are similarly situated, have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended. This discrimination is a result of disparate impact and/or intentional discrimination in the administration of the Captain's promotional exam.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

10-16-18

Date

Charging Party Signature

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 532-2019-00139	
_____ and EEOC _____ State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mr. Robert Schoeniger on behalf of myself and all others similarly situated		Home Phone (Incl. Area Code) (216) 233-0962	Date of Birth 9/15/1964
Street Address _____ City, State and ZIP Code _____ 4158 W. 59 Cleveland Ohio, Ohio 44144			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name City of Cleveland (Division of Fire)		No. Employees, Members 100+	Phone No. (Include Area Code)
Street Address _____ City, State and ZIP Code _____ 601 Lakeside Ave. Cleveland, OH 44114			
Name _____		No. Employees, Members _____	Phone No. (Include Area Code) _____
Street Address _____ City, State and ZIP Code _____			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest _____ Latest _____ Feb. 2, 2018 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a Caucasian male, and have been employed by Respondent's Division of Fire since 1996. Currently I hold the rank of Fire Lieutenant. In 2017, Respondent administered, and I sat for, a promotional examination for the rank of Captain in the Fire Department. On February 2, 2018, Respondent released a ranked list of all 52 candidates who had passed the Captain's exam. Respondent will utilize this list to make promotions to the Captain rank for a 2-year period (until February 2, 2020). The list evidences that the promotional exam resulted in a discriminatory disparate impact against Caucasian individuals, including myself, who seek promotion.</p> <p>CONTINUED ON NEXT PAGE</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____ SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE _____ (month, day, year)	
Date <u>10/17/2018</u> Charging Party Signature <u>[Signature]</u>			

CHARGE OF DISCRIMINATION

This form is protected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

532-2019-00139

and EEOC

State or local Agency, if any

THE PARTIALLY ARE (if additional paper is needed, attach extra sheet(s)):

CONTINUED FROM PREVIOUS PAGE (PAGE 2 OF 2)

73 individuals took all parts of the Captain's exam. The following table shows how many individuals, by race, took the entire exam, passed the exam, and how the passage rates for Caucasians violated the four-fifths rule:

RACE	TOOK ENTIRE EXAM	%	PASSED EXAM	%	PASS RATE	FOUR-FIFTHS RULE TEST (Pass rate of Caucasians compared to African-Americans)
Caucasian	53	72.60%	36	49.32%	67.92%	73.15% (FAIL)
African-American	14	19.18%	13	17.81%	92.86%	
Hispanic	6	8.22%	3	4.11%	50.00%	
TOTAL	73		52			

Because Caucasians passed the exam at a rate of less than 80% when compared to the pass rate of African-Americans, the Captain's exam had a disparate impact on me and other Caucasians based on our race.

Two rounds of promotions have occurred off of the list to date. Respondent promoted six (6) individuals to Captain on or about May 4, 2018, and then promoted another eight (8) individuals on or about July 28, 2018. The selections to date also demonstrate an adverse impact against Caucasians:

RACE	PROMOTIONS	SELECTION RATE	FOUR-FIFTHS RULE TEST
Caucasian	8	15.09%	35.22% (FAIL)
African-American	6	42.86%	
Hispanic	0	0.00%	
TOTAL	14		

RECEIVED

OCT 17 2018

EEOC-CLFO

Respondent has expressed a desire to increase minority representation in the officer rankings within the Division of Fire. I believe that Respondent unlawfully administered the promotional examination in a manner that would achieve its desired result of having a list of disproportionately high-ranked African-American candidates to select for promotion over the two-year duration that the promotional list will be viable.

I believe that I, along with others who are similarly situated, have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended. This discrimination is a result of disparate impact and/or intentional discrimination in the administration of the Captain's promotional exam.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10/17/2018

Date



Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)